

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

SHAQUAN KELLY,

Plaintiff,

v.

UNKNOWN LABELLE, et al.,

Defendants.

Case No. 2:20-cv-49

HONORABLE PAUL L. MALONEY

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ORDER ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant Labelle filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on December 2, 2022, recommending that this Court grant the motion and enter judgment.¹ The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 59) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 53) is GRANTED.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. *See McGore v. Wigglesworth*,

¹ The other defendants named in the complaint were dismissed by prior order (ECF No. 5).

114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: January 6, 2023

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge